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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

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14 SECURITIES AND EXCHANGE COMMISSION,

Case No. CV-09-1259 CRB

15 Plaintiff,

STIPULATION AND [PROPOSED] ORDER
TO EXTEND THE DEADLINE FOR THE
INITIAL CASE MANAGEMENT
CONFERENCE

16 vs.

17 DAVID SCOTT CACCHIONE,

[Civ. L.R. 7-12]

18 Defendant.

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WHEREAS, the Securities and Exchange Commission (“Commission”) brought the above-titled action against David Scott Cacchione (“Cacchione”) on March 24, 2009;

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WHEREAS, this Court entered Final Judgment as to all of the non-monetary relief sought by the Commission against Cacchione on March 31, 2009;

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WHEREAS, the only remaining issue in the above-titled action is the amount of disgorgement and civil penalty to be imposed against Cacchione;

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STIPULATION AND [PROPOSED] ORDER
EXTENDING CMC DATE

1 WHEREAS, Cacchione was initially scheduled to be sentenced in a related criminal action,
2 *United States of America v. David Scott Cacchione*, CR-09-00296 CRB, on August 4, 2009, where
3 such sentence may include a prison term and restitution order;

4 WHEREAS, Cacchione's sentencing date is now September 29, 2009;

5 WHEREAS, any restitution order imposed as part of Cacchione's criminal sentence may
6 relate to the monetary relief sought by the Commission;

7 WHEREAS, an initial Case Management Conference was scheduled to occur in the above-
8 titled matter on Friday, July 17, 2009 at 8:30 a.m. in this Court;

9 WHEREAS, the parties stipulated, and the Court ordered, to extend the date for such Case
10 Management Conference until October 2, 2009; and

11 WHEREAS, in the interest of efficiency, the parties seek to extend the date of the initial Case
12 Management Conference until December 4, 2009, at which time *Del Biaggio's* criminal sentence will
13 be known, and the Commission can more fully consider what additional remedies, if any, it will seek.

14 IT IS SO STIPULATED.

15 Dated: September 21, 2009

17 _____ /s/
18 Marc J. Fagel
19 Mark P. Fickes
Kristin A. Snyder

20 Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
21 44 Montgomery Street, Suite 2600
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23 Dated: September 22, 2009

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25 _____ /s/ David Scott Cacchione
26 David Scott Cacchione
11 Haciendas Drive
27 Woodside, CA 94062
Telephone: (650) 906-3620
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PURSUANT TO STIPULATION, IT IS SO ORDERED that the initial Case Management Conference in the above-titled action will be continued from Friday, October 2, 2009 to Friday, December 4, 2009.

Dated: Sept. 29, 2009

